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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

14 VESTA STRATEGIES, LLC,

15 Plaintiff,

16 v.

17 ROBERT E. ESTUPINIAN, GINNEY
 18 ESTUPINIAN, MUTUAL VISION, LLC,
 MILLENNIUM REALTY GROUP,
 19 VESTA REVERSE 100, LLC, VESTA
 CAPITAL ADVISORS, LLC, CAROL-
 ANN TOGNAZZINI, EDMUNDO
 ESTUPINIAN, and HAYDEE
 ESTUPINIAN;

20 Defendants.
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Case No. C 07-06216 JW RS

AFFIDAVIT OF DAVID L. OLSON IN
 SUPPORT OF MOTION FOR
 WITHDRAWAL AND SUBSTITUTION OF
 COUNSEL

Date: June 23, 2008
 Time: 9:00 a.m.
 Dept: Room 8, 4th Floor, SJ
 Judge: James Ware

25 1. I, DAVID L. OLSON, am the attorney of record for Defendant, Counter-Claimant
 26 and Third Party Plaintiff CAROL-ANN TOGNAZZINI ("Tognazzini") in this action;

27 2. Pursuant to a written Attorney-Client Fee Contract ("Fee Agreement"), I agreed to
 28 represent Defendant Carol-Ann Tognazzini in the above captioned matter. As part of the terms of

1 said Fee Agreement, Tognazzini and other individuals agreed to pay the fees and costs incurred in
2 her representation. In reliance thereon, I appeared as her attorney of record on March 4, 2008, when
3 I filed her Answer to the Complaint and a Counter-Claim and Third Party Complaint.

4 3. Prior to and since that date, I have worked actively on her behalf, including recently
5 participating in the meet and confer conference between counsel concerning the Joint Case
6 Management Conference Statement, preparation of the Initial Disclosure Statement and
7 Certification of Interested Parties. On or about April 8, 2008, I was advised that the other
8 individuals were unable and/or unwilling to honor the Fee Agreement and would not pay my fees.
9 Defendant Tognazzini has also refused to pay my fees and has stated that she will not pay for the
legal services I may render on her behalf.

10 4. Defendant Tognazzini's failure and/or reluctance to authorize necessary and ordinary
11 activities on her behalf has rendered it unreasonably difficult for me to carry out this employment
12 and the prosecution of this matter on her behalf effectively. As a result, I advised her that I would
13 be forced to file a motion to withdraw as her attorney of record.

14 5. I have advised also her to find other counsel to represent her in this matter, but she
15 has not committed to obtaining other counsel and may in fact, despite my strong objections, attempt
16 to represent herself in this matter.

17 6. Defendant Tognazzini has consented to my substitution and withdrawal as her
18 attorney of record as evidenced by the written Consent of Carol-Ann Tognazzini to Substitution and
19 Withdrawal of Counsel filed herewith.

20 7. Because revealing the facts and details on which this motion is based would involve
21 disclosure of client confidences, I hereby represent and certify to the court that good grounds for
22 withdrawal exist under one or more of the grounds specified in California Code of Professional
23 Responsibility, Rule 3-700 (C) (1) and (2).

24 8. If the court insists on a further factual showing as a condition of granting this motion,
I will supply the court with an affidavit that is sealed and shown only to the client and the court or
will testify in chambers in a hearing attended only by the court, the client, myself, and the court
reporter, with the transcript to be sealed until further order of the court, or whatever other method is
acceptable to the court that will not breach client confidences.

9. I have served Defendant Carol Ann Tognazzini with a copy of this motion by mailing and faxing the motion papers to her at her current residence address and have discussed this motion with her, explained her options and urged her to find another attorney, rather than appearing Pro Se in this matter.

I declare the foregoing to be true and correct under penalty of perjury under the laws of the United States of America and the State of California.

Dated: April 25, 2008

David L Olson

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